

**MRS. NINA
FORMBY
MAKES
AFFIDAVIT
TO ASSIST
FRANK**

Understood That
Defense

Has Paper Signed
by Her
in Which She
Repudiates
Affidavit Given
Police.

***CHARACTER
WITNESSES
MAY CHANGE
TESTIMONY***

Reported Defense May

Make Attack Upon Detec-

tive Rosser, Who Secured

Evidence Against Frank.

Another interesting development in the Frank case came to light Sunday when it became known that attorneys for the defense have obtained, from Mrs. Nina Formby an affidavit reported to accuse detectives and the police of inveigling her into a "frame-up" against Frank shortly before his trial.

A member of the counsel for the defense stated that the affidavit was in existence, but that he did not know its exact details. He declared it would be of aid to the defense, and that it

would create astonishment upon being made public. Rumors were that she accuses the police department and detective bureau.

Character Affidavits.

A number of affidavits from character witnesses, repudiating their testimony on the stand, is likewise reported to be in the hands of the defense. It is said that a number of girls and women who testified for the prosecution have repudiated their testimony and have furnished evidence that will be used by the defense in its probable move to gain a new trial.

Attorney Luther Rosser, when communicated with by a Constitution reporter last night, declared that he had nothing whatever to say regarding the Formby affidavit or the others. He said that, for his part, the defense would make no statement of any kind. He would neither deny nor affirm the affidavit.

C. W. Burke, the private investigator attached to Rosser's office, who obtained the Albert McKnight affidavit which was published in the Sunday morning papers, is said to have secured the admission from the Formby woman. It is rumored that she declared her statement made to Chief Beavers, Solicitor Dorsey and a number of detectives several weeks previous to the trial, was false, and that she was coerced into it by detectives.

It is also reported that the defense has evidence attacking Bass Rosser, a headquarters detective, who has been assigned to the Mary Phagan murder since the body's discovery. Rosser found Monteen Stover, the girl who swore she visited the pencil factory at 12:05 o'clock on the day of the murder, and found Frank absent from his office.

In Dorsey's Office.

He was also instrumental in unearthing considerable evidence produced against the prisoner during trial. For the past several weeks he has been detailed exclusively to the office of Solicitor General Dorsey.

Rumors are that Rosser will be charged with concocting evidences against Frank, and of being a party to the accused "frame-up" said to be alleged by the Formby woman. A number of affidavits, it is stated, are on hand to substantiate the reported charges against him.

Another rumor is to the effect that investigators for the defense are probing the report that signals were given by the Frank jury at least forty minutes or more before their verdict was rendered in the courtroom, and that the nature of their decision was generally known in the court considerable while before they filed in for their announcement.

The defense will have nothing to say on this. A member of the counsel has said, however, that they had heard rumors that the jury had signaled its decision.

The Formby woman's affidavits, made for Chief Lanford, Chief Beavers and Solicitor Dorsey quite a while before the trial, set forth that she had received a telephone call from Leo Frank about 6 o'clock on the afternoon of the murder, and that he had frantically pleaded with her to permit him to secretly bring a girl to her house on Piedmont Avenue.

Had Been to Her Place.

She also stated that although Frank had been to her place repeatedly, she would not allow him to visit again, and that she refused under the pretense of leaving her apartments at Piedmont Avenue and Currier Street for an automobile ride.

The affidavit attacked Frank's character. But little faith, however, was pinned to it. She was not even called to testify. Her police record was bad, officials say, and she is said to have been the keeper of a disreputable resort.

Her signature was put upon the affidavit in the office of Detective Chief Lanford, and in the presence of Judge Nash R. Broyles, Sidney J. Coogler and others. The woman was visited at

her home by detectives and Chief Beavers, Lanford and the solicitor general.

Reuben Arnold said to The Constitution last night that the defense would take no action at all in the trial of Jim Conley, which is scheduled today, on a charge of accessory after the fact in Mary Phagan's murder. "We have nothing to do with that," he stated.

It was rumored that the defense would make a vigorous effort to block the trial. The negro's arraignment is expected to take place some time this morning before Judge Ben Hill.

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**CONLEY WILL
PLEAD**

**"NOT GUILTY"
TODAY**

**Negro, Held as
Accessory Aft-**

Er Fact in Phagan Case, Faces Trial.

On amount of a late shift of plans, Solicitor General Dorsey will today, in the criminal division of the superior court, ask for the immediate trial of Jim Conley, held as accessory after the fact in the murder of Mary Phagan.

Conley's attorney, William M. Smith, will not allow his client, it is learned, to plead guilty to the two indictments now against him, believing that the negro's story in the Frank trial does not bind him as an accessory to a possible murder, for the reason that Conley did not know, so he alleges, that he was disposing of the body of a dead girl.

Conley, according to his attorney, believed he was carrying a "stunned girl" to the basement of the pencil factory.

Conley has vastly altered since his last appearance before the public. His hair is matted, his clothes ragged and his body all but filthy. It is not known whether or not he will be "groomed" for his appearance today, his attorney intimating that funds for Conley's upkeep are a trifle slim.

Conley will probably be brought from the Tower, where he has been kept practically incommunicado since the Frank trial, to the Thrower building, so as to be present when court opens at 9 o'clock.

If the negro factory sweeper is found guilty on the first indictment, that of being an accessory in a murder, he will be sent to the changing for three years. If he is found guilty on the second

indictment, that of aiding in the disposal of a dead body, he will be sent to the gang for one year.
